



# APPEALS

**Purpose:** The purpose of an appeal is to provide persons dissatisfied with the decision of the zoning administrator, planning manager, community development director, planning commission, historical architectural review board, art review board, and any other official or board or commission, except the city council, authorized to make decisions pursuant to the Planning and Zoning Codes of the City of Fremont, a venue for review and possible reversal of that decision.

**Code Reference:** Fremont Municipal Code (FMC) Chapter 18.300.

## Who will hear my appeal?

- Decisions of the zoning administrator, planning manager, and community development director or any other official may be appealed to the planning commission.
- Decisions of the planning commission and art review board may be appealed to the city council.
- Decisions of the historical architectural review board may be appealed to the city council except as otherwise provided in FMC Section 18.175.180.

**How long do I have to file my appeal?** Appeals must be filed within 10 calendar days following the date of the decision that is being appealed. The time limit will extend to the next business day when the tenth day falls on a day that the city is not open for business.

**Where do I file my appeal?** Appeals addressed to the planning commission shall be filed with the planning division at the Development Services Center. Appeals addressed to the city council shall be filed with the city clerk at City Hall.

**What is required to submit an appeal?** An appeal shall be submitted in writing and shall state the decision appealed from, the facts and basis for the appeal, and the relief or action sought. The written appeal shall be accompanied by the required fee deposit (see below).

**How much does it cost to file an appeal?** Appeals shall be accompanied by a fee deposit and reimbursement agreement. An initial deposit is required at the time of filing. Please view the Planning Application, found at [www.fremont.gov/permit](http://www.fremont.gov/permit), for the current deposit schedule. Actual costs will be billed for the staff time and public hearing notification. If funds remain, you will receive a refund of any unused portion of your deposit. If costs exceed the deposit, you will be billed by the City for those additional costs.

**What happens once I file an Appeal?** The timely filing of an appeal shall automatically stay the operative effect of the action, permit, decision or determination from which the appeal has been taken until a final decision is rendered on the appeal, unless the appeal is withdrawn by the appellant.

The City will prepare a report on the matter and schedule the appeal before the appellate hearing body (generally within one month). The appellate hearing body shall conduct a public hearing on all appeals where a public hearing was held prior to the decision being appealed from. No public hearing need be held on appeals from decisions where no public hearing was held. Where a public hearing of an appeal is required, notice shall be given of the proposed hearing in the same manner as was required for the decision being appealed.

I understand that my plan review may be delayed if required materials are missing from the submittal package.

\_\_\_\_\_

Project Applicant

\_\_\_\_\_

Date

### Submittal Requirements:

#### NOTE:

- Indicates an item which is always required.
- Indicates an item which may be required, depending on the project. The staff person who provides you this sheet will check (✓) the box if the item is required for your application.

- 1. Appeal application, containing:
  - a. Specific action being appealed;
  - b. Specific grounds of the appeal, including the basis for any findings required for project approval or denial; and
  - c. The specific action you are requesting the appellate hearing body to take.
- 2. Fifteen sets of any plans or drawings (collated and folded to a size NO LARGER THAN 8" x 13") if necessary to illustrate the appeal.

NOTE: Plans or drawings submitted should be no larger than 30" x 42".

- 4. A list of all consultants proposed to be involved with the project, or a statement that none are proposed to be involved.

**Incomplete Appeals:** An appeal will be considered incomplete if any of the items checked on this information sheet have not been included. Processing of the appeal will be delayed until the submittal is determined to be complete.

Information sheet furnished by: \_\_\_\_\_ Phone: (510) 494-\_\_\_\_\_

for proposal: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

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# Appeal Application



Community Development Department  
 39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006  
 510 494-4440 information | 510 494-4443 appointments

For Finance Staff Use Only

Case Number: \_\_\_\_\_

Work Order Number: \_\_\_\_\_

**PART I**

**APPLICANT - PLEASE PRINT CLEARLY AND FILL IN ALL APPLICABLE SECTIONS**

Total Deposit Fee: \$ \_\_\_\_\_

Project Name: (one letter per box)																				
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Project Site Address: \_\_\_\_\_

Specific action being appealed: \_\_\_\_\_

Grounds of the appeal, including the basis for any findings required for project approval or denial (attach additional sheets as necessary):

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Specific Action you are requesting the Appellate Hearing Body to take: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Appellant: *Name and mailing address of person requesting the filing of this application.*

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**SIGNATURE:** \_\_\_\_\_

MAIN CONTACT PERSON: *Person to be contacted other than applicant regarding this application*

Architect  Engineer

Tenant  Other \_\_\_\_\_

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone #: (\_\_\_\_) \_\_\_\_\_ Fremont Tax ID: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

**Staff use only**

<p><b>ADM</b></p> <p><input type="checkbox"/> PRP \$8,400</p> <p><b>DESIGN</b></p> <p><input type="checkbox"/> Discretionary \$14,400</p> <p><input type="checkbox"/> Ministerial \$5,160</p> <p><input type="checkbox"/> Limited \$3,120</p> <p><input type="checkbox"/> Wireless \$1,800</p> <p><input type="checkbox"/> Second-Story \$3,000</p> <p><input type="checkbox"/> HARB \$6,000</p> <p><b>USE</b></p> <p><input type="checkbox"/> Use Permit – New \$7,680</p> <p><input type="checkbox"/> Use Permit – Amend/Extension \$6,000</p> <p><input type="checkbox"/> ZA – New \$2,880</p> <p><input type="checkbox"/> ZA – Amend/Extension \$1,680</p> <p><b>REZ</b></p> <p><input type="checkbox"/> Plan. District</p> <p style="padding-left: 20px;"><input type="checkbox"/> Preliminary \$8,400</p> <p style="padding-left: 20px;"><input type="checkbox"/> Precise \$8,400</p> <p style="padding-left: 20px;"><input type="checkbox"/> Prelim. &amp; Precise \$16,800</p> <p style="padding-left: 20px;"><input type="checkbox"/> PD Amend # _____ \$9,360</p> <p><input type="checkbox"/> Rezoning \$6,120</p> <p>Modifications &amp; Interpretations \$5,400</p> <p><b>SPECIAL PLANNING AREAS</b></p> <p><input type="checkbox"/> Downtown Design Review - Std. \$14,400</p> <p><input type="checkbox"/> Downtown Design Review - Ltd. \$5,160</p> <p>Warm Springs Innovation District</p> <p style="padding-left: 20px;"><input type="checkbox"/> Master Plan – Sites 5 - 15 Acres \$8,400</p> <p style="padding-left: 20px;"><input type="checkbox"/> Master Plan – Sites &gt; 15 Acres \$16,800</p>	<p><b>VAR</b></p> <p><input type="checkbox"/> Variance \$2,400</p> <p><b>ENV</b></p> <p><input type="checkbox"/> EIA \$5,400</p> <p><input type="checkbox"/> EIR \$ _____</p> <p><input type="checkbox"/> Consultant Services \$ _____</p> <p><b>PUD</b></p> <p><input type="checkbox"/> PUD – New \$3,840</p> <p><input type="checkbox"/> PUD – Amend \$1,560</p> <p><b>GEN</b></p> <p><input type="checkbox"/> GPA \$8,520</p> <p><b>DEV</b></p> <p><input type="checkbox"/> Dev. Agreement – New \$6,480</p> <p><input type="checkbox"/> Dev. Agreement – Annual Review \$3,240</p> <p><b>ANX</b></p> <p><input type="checkbox"/> Ag. Preserve – New/Amend/Cancel \$2,520</p> <p><b>SUB</b></p> <p><input type="checkbox"/> Certificate of Compliance \$1,320</p> <p><b>OTHER</b></p> <p><input type="checkbox"/> Easement Abandonment \$6,600</p> <p><input type="checkbox"/> Street Abandonment \$6,600</p> <p><input type="checkbox"/> Lot Combo \$2,400</p> <p><input type="checkbox"/> Lot Line Adjustment \$3,600</p> <p><input type="checkbox"/> (Vest or Non-Vest) Tentative Parcel Map No. _____ \$6,360</p> <p><input type="checkbox"/> (Vest or Non-Vest) Tentative Tract Map No. _____ \$9,480</p> <p><input type="checkbox"/> Map Extension \$2,880</p>	<p><b>OTHER</b></p> <p><input type="checkbox"/> Prelim. Grading \$8,400</p> <p><input type="checkbox"/> Private Street \$6,240</p> <p><input type="checkbox"/> Appeals to City Council \$3,000</p> <p><input type="checkbox"/> Appeals to Planning Commission \$1,800</p> <p><input type="checkbox"/> MSP New/Amend \$ 400/Flat</p> <p><input type="checkbox"/> Record Retention (All Applications) \$ 225/Flat</p> <p><input type="checkbox"/> Cost for Research \$ 29 per 15 min.</p> <p><input type="checkbox"/> Over the Counter Plan Check \$ 29 per 15 min.</p> <p><input type="checkbox"/> Downtown Art Fee \$ 0.51/GSF</p> <p><input type="checkbox"/> Warm Springs Innovation District Art Fee \$ 0.51/GSF</p> <p>PLN DEPOSIT FEE SUBTOTAL \$ _____</p> <p>MIS FLAT FEE SUBTOTAL \$ _____</p> <p><b>TOTAL DEPOSITS AND/OR FLAT FEES \$ _____</b></p>
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**PREVIOUS ACTIONS AND APPLICATION FILE NUMBERS:** \_\_\_\_\_

**COMMENTS:** \_\_\_\_\_

**ABOVE TOE OF HILL?**  YES  NO \_\_\_\_\_

<b>ATLAS PAGE:</b> 5 _____ -C - 3 _____	<b>REVIEWED BY:</b> <input type="checkbox"/> ADMIN <input type="checkbox"/> CDD <input type="checkbox"/> PD <input type="checkbox"/> ZA <input type="checkbox"/> HARB <input type="checkbox"/> PC <input type="checkbox"/> CC	<b>REC. DATE:</b> _____ / _____ / _____ <b>BY:</b> _____
<b>NOTIFICATION REQUIRED?</b> <input type="checkbox"/> YES <input type="checkbox"/> NO	<b>BUFFER DISTANCE:</b> _____ <input type="checkbox"/> FEET <input type="checkbox"/> MILE	<b>PROJECT MANAGER:</b> _____

**Reimbursement Agreement**  
PART II

CASE NO. \_\_\_\_\_

I, \_\_\_\_\_, the undersigned billing party, am depositing \$ \_\_\_\_\_ to cover staff review, coordination and processing costs based on real time expended. I understand and agree to the following conditions of this agreement:

1. Staff time from some City of Fremont departments spent processing my request will be billed against the deposit fee. **“Staff time” includes, but is not limited to, time spent reviewing application materials; site visits; responding by phone or in writing to inquiries from the applicant, the applicant’s representatives, neighbors, interested parties; attendance and participation at meetings and public hearings; preparation of staff reports and other correspondence; and engineering, landscape and planning construction inspections for compliance with approved plans.**
2. This deposit typically covers only a portion of the total processing costs. Actual costs for staff time are based on individual hourly rates and service/material costs such as publication and postage. These costs apply even if the application is withdrawn or not approved. **In the likely event that costs exceed the deposit, I will receive periodic invoices payable upon receipt. Unpaid invoices will be considered late after 30 days.** When the deposit balance is reduced to 10% or less of its original amount, I will replenish the deposit to the original amount within 30 days.
3. I may, in writing, request a further breakdown of billed charges, but such a request is independent of the payment time frames.  
Nonpayment of billed charges may result in any of the following actions until outstanding charges are paid in full:
  - a. Temporary cessation of processing my application;
  - b. Withholding final action on my application;
  - c. Cessation of work on all project-related applications and actions including any engineering, landscape or planning inspection of the work;
  - d. A determination that my application has been withdrawal without prejudice and closure of my file;
  - e. Outstanding invoices being sent to a City-designated collection agency;
  - f. Withholding of any approval documentation/subsequent processing of entitlements until full payment is received.
4. I authorize the City to offset any shortages in another account(s) on the same application or in any other accounts I might have with the City with excess funds from this account.
5. When the project has been completed a final invoice will be sent; and **I will pay the difference.** When the final cost is less than the deposit fee, the unused portion of the deposit will be refunded to me.
6. I agree to pay the City of Fremont the cost of placing a legal advertisement (if one is required) in a newspaper of general circulation as required by state law and local ordinance.
7. The City of Fremont may refer my application to outside consultants for the completion of site specific environmental or technical analyses/studies and/or may submit any study submitted with my application to an outside consultant for peer review. Should this type of work be necessary, I will be notified of the scope and cost of the work. I understand that the City of Fremont will set up a separate trust account to pay for this work. Consultant fees are separate and in addition to City deposit fees and shall be paid prior to the commencement of work by the consultant. Selection of the consultant is at the sole discretion of the City, but is typically based upon completeness of the proposal, followed by lowest price and/or expedient timeframe for completion of work.

**PART II (REIMBURSEMENT AGREEMENT)**

\_\_\_\_\_  
Name of Billing Party  
(Please print)

\_\_\_\_\_  
Phone Number:

\_\_\_\_\_  
Name of Company or Corporation (if applicable):  
*If a corporation, please attach a list of the names and titles of corporate officers authorized to act on behalf of the corporation.*

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
CITY, STATE and ZIP CODE

\_\_\_\_\_  
Signature:\*

\_\_\_\_\_  
Date:

**\*ATTENTION: The billing party (or Corporation principal) will be held responsible for all charges.**



**Consultant List**

**CASE NO.** \_\_\_\_\_

**PART III**

Have consultants been identified to assist with this project?  No  
 Yes (if yes, please list the consultants below)

By: \_\_\_\_\_  
Name of Person Completing this Form Capacity Date

Consultants include, but are not limited to, architects, designers, contractors, landscape architects, engineers, planners, real estate agents, and environmental consultants. It is important this form be filled out completely. It enables members of the City Council, Planning Commission and staff to avoid potential conflicts of interest, which could otherwise invalidate your project's approval.

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Name: \_\_\_\_\_ Capacity: \_\_\_\_\_  
Company: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_ Fremont Business Tax ID# \_\_\_\_\_

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Name: \_\_\_\_\_ Capacity: \_\_\_\_\_  
Company: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_ Fremont Business Tax ID# \_\_\_\_\_

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Name: \_\_\_\_\_ Capacity: \_\_\_\_\_  
Company: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_ Fremont Business Tax ID# \_\_\_\_\_

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Name: \_\_\_\_\_ Capacity: \_\_\_\_\_  
Company: \_\_\_\_\_ Phone No.: \_\_\_\_\_  
Address: \_\_\_\_\_ Fremont Business Tax ID# \_\_\_\_\_

**If more room is necessary, you may complete and attach additional copies of this form.**

City of Fremont Municipal Code Title 5 requires everyone, including consultants, who render services in or from the City of Fremont to have a valid business tax/license. Please contact the Revenue Division at 510-494-4790 for instructions on how to obtain a Fremont Business Tax ID number.